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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,584	08/25/2003	Lyn Lequam Ashton	TUC920030066US1	4087
45216	7590	03/22/2006	EXAMINER	
KUNZLER & ASSOCIATES 8 EAST BROADWAY SUITE 600 SALT LAKE CITY, UT 84111			GOLDEN, JAMES R	
			ART UNIT	PAPER NUMBER
			2187	

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/648,584		ASHTON ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	James Golden		2187	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>25 August 2003</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

The instant application 10/648584 has a total of 20 claims pending. There are 4 independent claims and 16 dependent claims.

#### *Information Disclosure Statement*

1. The information disclosure statement submitted on 08/25/2003 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-7, 12-18 and 20** are rejected under 35 U.S.C. 102(b) as being anticipated by Basham et al. (US 5,757,571).

4. **With respect to claim 1**, Basham et al. disclose an apparatus for utilizing tape storage media segmentation to improve data access performance, the apparatus comprising:

- a tape storage medium (tape medium 206 of Fig. 2) configured to store data (column 5, lines 48-51; column 6, lines 1-11);

- a segmentation module (controller 204 of Fig. 2) configured to access a first segment (408a of Fig. 4; column 9, lines 1-3) and a second segment (data space following 409 of Fig. 4; column 9, lines 1-3) on the tape storage medium (the controller accesses the data on tape, column 5, lines 55-56; the data on the tape is stored in segments, column 9, lines 1-7); and
- a selection module (host 202 of Fig. 2; column 5, lines 51-54) configured to allow a user to select a user-defined capacity ("partition", column 11, lines 18-20, lines 34-36) of the tape storage medium that is less than a usable capacity of the tape storage medium (column 11, lines 34-36).

5. **With respect to claim 2**, Basham et al. disclose the apparatus of claim 1 (see above paragraph 4), wherein the selection module is further configured to allow the user to select a user-defined capacity that is substantially equivalent to the capacity of the first segment of the tape storage medium (column 11, lines 24-25).

6. **With respect to claim 3**, Basham et al. disclose the apparatus of claim 1 (see above paragraph 4), wherein the selection module is further configured to allow the user to select a user-defined capacity that is greater than the capacity of the first segment of the tape storage medium (a partition can be composed of multiple segments, column 11, lines 25-29).

7. **With respect to claim 4**, Basham et al. disclose the apparatus of claim 1 (see above paragraph 4), wherein the selection module is further configured to allow the user to select the user-defined capacity of the tape storage medium before the data has been stored on the tape storage medium (the tape is pre-formatted before data is

written to it, column 8, lines 41-43; the partition size is selected by the user in the pre-formatting sequence, column 11, lines 18-20, lines 34-36).

8. **With respect to claim 5**, Basham et al. disclose the apparatus of claim 1 (see above paragraph 4), wherein the selection module is further configured to allow the user to select the user-defined capacity of the tape storage medium after the data has been stored on the tape storage medium (new segment sizes can be defined after data has been written to tape, column 2, line 62 -- column 3, line 6; if the partitions are of a fixed size, this will alter the partition size, column 11, lines 25-28).

9. **With respect to claim 6**, Basham et al. disclose the apparatus of claim 1 (see above paragraph 4), further comprising a mapping module configured to associate the user-defined capacity with a tape storage device on which the tape storage medium is provided (column 9, lines 38-40; column 11, lines 20-23).

10. **With respect to claim 7**, Basham et al. disclose the apparatus of claim 1 (see above paragraph 4), further comprising a write module (internal to R/W controller 204 of Fig. 2) that is configured to write data to the tape storage medium within the user-defined capacity (the controller writes data, column 5, lines 55-56; the tape storage medium is partitioned based on user input, column 11, lines 18-20, lines 34-36).

11. **With respect to claim 12**, Basham et al. disclose a process for utilizing tape storage media segmentation to improve data access performance, the process comprising:

- providing a tape storage device (200 of Fig. 2; column 5, line 47) having a tape storage medium (tape medium 206 of Fig. 2; column 6, lines 1-11);

- accessing at least one of a first segment (408a of Fig. 4; column 9, lines 1-3) and a second segment (data space following 409 of Fig. 4; column 9, lines 1-3) on the tape storage medium (the controller accesses the data on tape, column 5, lines 55-56; the data on the tape is stored in segments, column 9, lines 1-7); and
- allowing a user to select a user-defined capacity ("partition", column 11, lines 18-20, lines 34-36) of the tape storage medium that is less than a usable capacity of the tape storage medium (column 11, lines 34-36).

12. **With respect to claim 13**, Basham et al. disclose the process of claim 12 (see above paragraph 11), wherein allowing a user to select a user-defined capacity further comprises allowing the user to select a user-defined capacity that is substantially equivalent to the capacity of the first segment of the tape storage medium (column 11, lines 24-25).

13. **With respect to claim 14**, Basham et al. disclose the process of claim 12 (see above paragraph 11), wherein allowing a user to select a user-defined capacity further comprises allowing the user to select a user-defined capacity that is greater than the capacity of the first segment of the tape storage medium (a partition can be composed of multiple segments, column 11, lines 25-29).

14. **With respect to claim 15**, Basham et al. disclose the process of claim 12 (see above paragraph 11), wherein allowing a user to select a user-defined capacity further comprises allowing the user to select the user-defined capacity of the tape storage medium before the data has been stored on the tape storage medium (the tape is pre-

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formatted before data is written to it, column 8, lines 41-43; the partition size is selected by the user in the pre-formatting sequence, column 11, lines 18-20, lines 34-36).

15. **With respect to claim 16**, Basham et al. disclose the process of claim 12 (see above paragraph 11), wherein allowing a user to select a user-defined capacity further comprises allowing the user to select the user-defined capacity of the tape storage medium after the data has been stored on the tape storage medium (new segment sizes can be defined after data has been written to tape, column 2, line 62 -- column 3, line 6; if the partitions are of a fixed size, this will alter the partition size, column 11, lines 25-28).

16. **With respect to claim 17**, Basham et al. disclose the process of claim 12 (see above paragraph 11), further comprising associating the user-defined capacity of the tape storage medium with the tape storage device (column 9, lines 38-40; column 11, lines 20-23).

17. **With respect to claim 18**, Basham et al. disclose the process of claim 12 (see above paragraph 11), further comprising writing data to the tape storage medium within the user-defined capacity (the controller writes data, column 5, lines 55-56; the tape storage medium is partitioned based on user input, column 11, lines 18-20, lines 34-36).

18. **With respect to claim 20**, Basham et al. disclose a computer readable storage medium comprising computer readable code (column 10, lines 12-16) configured to carry out the process for utilizing tape storage media segmentation to improve data access performance of claim 12 (see above paragraph 11).



***Claim Rejections - 35 USC § 103***

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. **Claims 8-11 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Basham et al. (US 5,757,571) in view of Cadden et al. (US 2001/0002477).

21. **With respect to claim 8**, Basham et al. disclose the apparatus of claim 1 (see above paragraph 4). Basham et al. do not disclose the limitation further comprising an identification module that is configured to identify a tape storage medium as full when a substantial portion of the user-defined capacity of the tape storage medium has been used to store the data.

However, Cadden et al. disclose the limitation further comprising an identification module that is configured to identify a tape storage medium as full when a substantial portion of the user-defined capacity of the tape storage medium has been used to store the data [0072, lines 6-12].

Basham et al. and Cadden et al. are analogous art because they are from the same field of endeavor, namely magnetic tape data storage.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the tape full signal of Cadden et al. with the tape data storage apparatus of Basham et al. The motivation for doing so would have been



because "data blocks should be saved if they cannot currently be written to tape" [0072, lines 6-7].

Therefore, it would have been obvious to a person of ordinary skill in the art to combine Cadden et al. with Basham et al. for the benefit of a tape full signal in a tape data storage apparatus to obtain the invention as specified in claim 8.

22. **With respect to claim 9**, Basham et al. disclose a system for utilizing tape storage media segmentation to improve data access performance, the system comprising: a tape storage device (200 of Fig. 2; column 5, line 47) having a tape storage medium (tape medium 206 of Fig. 2; column 6, lines 1-11) that is configured to store data (column 5, lines 48-51; column 6, lines 1-11), the tape storage medium having

- a first segment (408a of Fig. 4; column 9, lines 1-3) and a second segment (data space following 409 of Fig. 4; column 9, lines 1-3);
- a host that is configured to communicate with the tape storage device (host 202 of Fig. 2; column 5, lines 51-54);
- a segmentation module (controller 204 of Fig. 2) configured to access a first segment and a second segment on the tape storage medium (the controller accesses the data on tape, column 5, lines 55-56; the data on the tape is stored in segments, column 9, lines 1-7); and
- a selection module (host 202 of Fig. 2; column 5, lines 51-54) configured to allow a user to select a user-defined capacity ("partition", column 11, lines 18-20,

lines 34-36) of the tape storage medium that is less than a usable capacity of the tape storage medium (column 11, lines 34-36).

- a mapping module configured to associate the user-defined capacity of the tape storage medium with the tape storage device (column 9, lines 38-40; column 11, lines 20-23);
- a write module that is configured to write data to the tape storage medium within the user-defined capacity (column 9, lines 38-40; column 11, lines 20-23); and
- a read module that is configured to read data from the tape storage medium (column 9, lines 38-40; column 11, lines 20-23).

Basham et al. do not disclose the limitation wherein the tape storage medium has an identification module that is configured to identify a tape storage device as full when a substantial portion of the user-defined capacity of the storage medium is used to store the data.

However, Cadden et al. disclose the limitation wherein the tape storage medium has an identification module that is configured to identify a tape storage device as full when a substantial portion of the user-defined capacity of the storage medium is used to store the data [0072, lines 6-12].

Basham et al. and Cadden et al. are analogous art because they are from the same field of endeavor, namely magnetic tape data storage.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the tape full signal of Cadden et al. with the tape data storage apparatus of Basham et al. The motivation for doing so would have been

because "data blocks should be saved if they cannot currently be written to tape" [0072, lines 6-7].

Therefore, it would have been obvious to a person of ordinary skill in the art to combine Cadden et al. with Basham et al. for the benefit of a tape full signal in a tape data storage apparatus to obtain the invention as specified in claim 9.

23. **With respect to claim 10**, Basham et al. in view of Cadden et al. disclose the system of claim 9 (see above paragraph 22). Basham et al. further discloses the limitation wherein the segmentation module is further configured to use the tape storage medium according to a segmentation layout (column 9, lines 29-40).

24. **With respect to claim 11**, Basham et al. in view of Cadden et al. disclose the system of claim 10 (see above paragraph 23). Basham et al. further discloses the limitation wherein the segmentation layout defines a plurality of segments on the tape storage medium (column 9, lines 29-40), each segment having a user-defined size (column 10, lines 23-27).

25. **With respect to claim 19**, Basham et al. disclose the process of claim 12 (see above paragraph 11). Basham et al. do not disclose the limitation further comprising identifying a tape storage device as full when a substantial portion of the user-defined capacity of the tape storage medium is used to store the data.

However, Cadden et al. disclose the limitation further comprising identifying a tape storage device as full when a substantial portion of the user-defined capacity of the tape storage medium is used to store the data [0072, lines 6-12].

Basham et al. and Cadden et al. are analogous art because they are from the same field of endeavor, namely magnetic tape data storage.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the tape full signal of Cadden et al. with the tape data storage apparatus of Basham et al. The motivation for doing so would have been because "data blocks should be saved if they cannot currently be written to tape" [0072, lines 6-7].

Therefore, it would have been obvious to a person of ordinary skill in the art to combine Cadden et al. with Basham et al. for the benefit of a tape full signal in a tape data storage apparatus to obtain the invention as specified in claim 19.

### ***Conclusion***

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Chang et al. (US 2005/0050055);
- Allen et al. (US 6,064,553);
- Basham et al. (US 5,969,893);
- Fry et al. (US 5,710,676); and
- Gniewek (US 5,287,459).

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Golden whose telephone number is 571-272-5628. The examiner can normally be reached on Monday-Friday, 8:30 AM - 5:30 PM.

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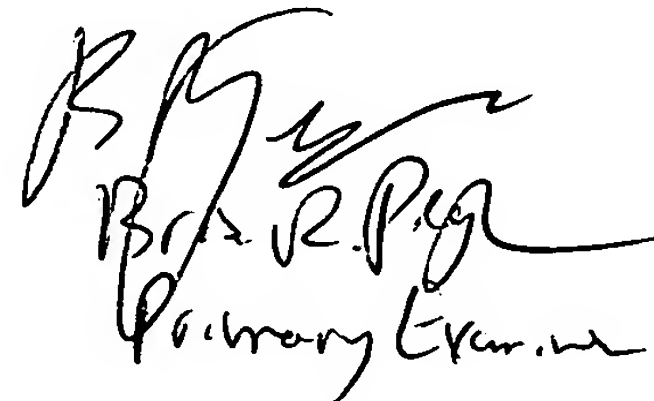
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on 571-272-4201. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James R. Golden  
Patent Examiner  
Art Unit 2187



March 7, 2006



Brock R. Pyle  
Primary Examiner